THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.11540 of 2006

Dated: 15.06.2006

Between:

P. Girish, S/o P. Bharathi Bhushan, R/o Flat No.102, Plot No.MIG 152/1, Vigneshwara Enclave, Balajinagar, Kukatpally, Hyderabad.

.... PETITIONER

AND

The A.P. Power Generation Corporation Ltd., rep. by its Managing Director, Vidyuth Soudha, Khairtabad, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.11540 of 2006

Order:

The petitioner filed the present writ petition for the following relief.

> "to issue a writ, order, or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to accept the application submitted by the petitioner for the recruitment of the post of Assistant Engineer (Electrical), as per the Notification given by the respondents in Eenadu Telugu Daily Newspaper dated 21.04.2006, and provide the opportunity to the applicant in participating in the said recruitment process by issuing the Hall Ticket for appearing in written test, and consequently declaring the said action of respondents in denying the opportunity of employment to the petitioner on flimsy grounds is illegal, arbitrary and violative of Articles 14, and 309 of the Constitution of India."

The petitioner appeared for his final year exams of B.Tech Course in Electrical and Electronic Engineering, J.N.T.U., Hyderabad, and while he was waiting for the results, the respondents issued a Notification dated 21.04.2006 in Eenadu Telugu Daily Newspaper inviting applications for the post of Assistant Engineer (Electrical) fixing the last date for submission of applications as 12.05.2006. The petitioner states that as his results were not declared by that date, he submitted his application to the said post duly informing the respondents that he would furnish the provisional certificate within a couple of days. He further states that his results were declared on 19.05.2006, and he having passed the B. Tech Course, secured 55% marks, and immediately after receiving his provisional certificate on 25.05.2006, he submitted the xerox copy of the same to the respondents. Thereafter, the respondents issued another notification in newspaper intimating that the written examination for the said post would be held on 25.06.2006. The petitioner states that when he went to collect his Hall Ticket, the

respondents informed him that his application was rejected as it was not submitted along with attested copy of provisional certificate. Hence, the petitioner filed the present writ petition seeking to direct the respondents to accept his application and permit him to appear for the examination to be held on 25.06.2006 for recruitment to the post of Assistant Engineer (Electrical).

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The respondents issued notification on 21.04.2006, inviting applications for the post of Assistant Engineer (Electrical) from eligible candidates. To be eligible for applying the said post, the candidate should have B.E./B.Tech./A.M.I.E. in Electronics & Communication Engineering or equivalent qualification from any recognized University in India. According to the own admission of the petitioner, as on the date of issuance of notification, the petitioner did not pass the B.Tech Course, and he having appeared for the examination, was awaiting for his results. Now, it is the case of the petitioner that even though he did not pass the B.Tech. course on the date of issuance of notification, he having passed the examination subsequently and submitted the provisional certificate, the respondents should be directed to issue Hall Ticket and permit him to appear for the written examination to be conducted on 25.06.2006 for recruitment to the post of Assistant Engineer.

I am unable to accept this contention of the petitioner. The last date for submission of application is 12.05.2006, and as on the date of issuance of notification and closure of the date for receipt of applications, the petitioner did not pass the B. Tech. Course. The petitioner, admittedly, submitted his application without enclosing provisional certificate. A reading of instructions appended to the application form, would disclose that the applicant is required to enclose, demand draft, date of birth certificate, degree and PG

certificate, community certificate, PH certificate in case of physically handicapped persons and Hall-Ticket, both original and duplicate, duly filled in. As stated supra, the petitioner submitted his application without enclosing the degree certificate, for the reason that his results were not declared. The petitioner having not passed the B.Tech. examination as on the date of issuance of notification and the last date fixed for receipt of application, and he having not enclosed the provisional certificate of his B.Tech. degree, cannot be allowed to contend that he having passed the B.Tech, course subsequently, his application should be processed, and he should be issued Hall-Ticket and permitted to appear for the written examination for recruitment to the post of Assistant Engineer, and more so when Clause 7 of the Instructions appended to the application make it clear that if the application received is incomplete or if the date of birth certificate, provisional/degree certificate and caste certificate, if any, are not enclosed, the application will be rejected and no correspondence on this will be entertained. In that view of the matter, no exception can be taken to the action of the respondents in rejecting the application of the petitioner and not issuing Hall Ticket and not permitting him to appear for the written examination for recruitment to the post of Assistant Engineer. If the contention of the petitioner is to be accepted, then every person who had passed the examination after the closure of the last date for submission of applications and before the conduct of examinations, would contend that even they should be permitted to appear for the examination, and thereby the purpose of fixing the last date for submission of applications would be defeated.

The writ petition is misconceived, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 15.06.2006

Nsr/Ksr